

Order

Michigan Supreme Court
Lansing, Michigan

March 16, 2022

Bridget M. McCormack,
Chief Justice

163559

AGNES N. CRAMER,
Plaintiff-Appellant,

v

SC: 163559
COA: 347806
MCAC: 14-000086

TRANSITIONAL HEALTH SERVICES OF
WAYNE and AMERICAN ZURICH
INSURANCE COMPANY,
Defendant-Appellees.

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

On order of the Court, the application for leave to appeal the August 26, 2021 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues of: (1) whether the four-factor test in *Martin v Pontiac Sch Dist*, 2001 Mich ACO 118, lv den 466 Mich 873 (2002), (a) is at odds with the principle that a preexisting condition is not a bar to eligibility for workers' compensation benefits, and (b) conflicts with the plain meaning of MCL 418.301(2); and (2) assuming that *Martin* provides the appropriate test, the parties shall address whether, on this record, the Court of Appeals erred in affirming the Michigan Compensation Appellate Commission's conclusion that the magistrate properly applied *Martin*, as well as the standard in *Yost v Detroit Board of Education*, 2000 Mich ACO 347, lv den 465 Mich 907 (2001). The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).

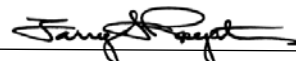
The Workers' Compensation Law Section of the State Bar of Michigan is invited to file a brief amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0309

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 16, 2022


Clerk